

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN R. VAN ORDEN, et al.,

Plaintiffs,

vs.

HEALTHLINK, INC., et al.,

Defendants.

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Case No. 4:09CV971 JCH

ORDER

This matter is before the Court upon the joint application of John R. Van Orden, Robert Hood, Michael D. McCord, Joseph Miller, Macon Baker, Chance Tyree, Walter W. Ritchey, David Brown, Anthony Amonette, Richard Tyson and Wade A. Turpin for leave to commence this action without payment of the required filing fee. See 28 U.S.C. § 1915(a).

The determination, under 28 U.S.C. § 1915(a), of whether plaintiffs qualify for in forma pauperis status must be based upon the financial status of each of them, independent of the other's assets. Lee v. McDonald's, 231 F.3d 456, 459 (8th Cir. 2000). Because plaintiffs have submitted a joint request for leave to proceed in forma pauperis and a joint financial affidavit, the Court will deny their request to proceed in forma pauperis without prejudice. Each plaintiff must submit a separate motion for leave to proceed in forma pauperis and affidavit in support. Because plaintiffs are proceeding pro se and seek to proceed in forma pauperis, the Court will give them the opportunity to submit separate motions to proceed in forma pauperis and affidavits in support. See 28 U.S.C. § 1915(a)(1) and (2), Local Rule 2.05(A). Plaintiff's failure to do so, by the time set forth in this Order, will result in a dismissal of their case, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' joint motion for leave to proceed in forma pauperis [Doc. #2] is **DENIED**, without prejudice.

IT IS FURTHER ORDERED that the Clerk of Court shall forward to plaintiffs, with a copy of this Order, the court forms entitled "Motion to Proceed without Prepayment of Costs" and "Financial Affidavit-CJA23."

IT IS FURTHER ORDERED that, within thirty (30) days from the date of this Order, plaintiffs shall each complete and submit a motion to proceed in forma pauperis and affidavit in support.

IT IS FURTHER ORDERED that, if any plaintiff fails to return a completed form motion within thirty (30) days of the date of this Order, the Court will dismiss the complaint as to the plaintiff who fails to comply. If none of the plaintiffs comply with this Order, the Court will dismiss this action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that, upon plaintiffs filing the requisite motions to proceed in forma pauperis and affidavits in support, the Clerk shall resubmit this matter to the Court for review pursuant to 28 U.S.C. § 1915.

IT IS FURTHER ORDERED that plaintiffs' motions for service of process [Doc. #15] and motion for appointment of counsel [Doc. #16] are denied without prejudice, in light of the aforementioned.

Dated this 8th Day of July, 2009.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE